

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Claes Wallen

Serial No.: 10/520,724

Filed: April 15, 2005

For: CONTAINER WITH REMOVABLE DRAW

Confirmation No.: 9740

Date: October 23, 2009

Group Art Unit: 3767

Examiner: Elizabeth Rose Moulton

VIA EFS-WEB
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INTERVIEW SUMMARY UNDER 37 CFR 1.133

Sir:

Applicant gratefully acknowledges the courtesy of Examiner Moulton in granting a telephone interview with Applicants undersigned representative, which was held Friday, October 23, 2009. The following is a brief summary of that interview.

Applicant asserted that the most recent office action was prematurely made final. Notably, the rejection of claim 13 under 35 U.S.C. § 112, first paragraph was not necessitated by applicants amendment filed June 8, 2009 preceding the most recent final Office Action. The Examiner indicated that she would reconsider the finality and requested that the interview progress to the merits of the claims.

Applicant argued that the specification, in particular Figs. 2A and 3, provides adequate support for the disclosure of a membrane lacking and preexisting opening therethrough. For example, membrane 17 is illustrated as solid in cross section. By contrast for example, Figs. 6 and 7 of Wyatt, conventional drawing practice is to illustrate any division in a cross-sectional view. Examiner asserted that the cross-section used in the drawings illustrated a wire mesh, not notwithstanding that the specification discloses the membrane being air and liquid proof. Examiner agreed to take this sufficiency of the disclosure under advisement, including internal consultation.

Turning to the rejection of the claims over the prior art, Examiner asserts that Lopez teaches the interchangeability of split and non-split membranes for example at col. 6, lines 39-58, and Figs. 1, 2 and 13. Therefore, applicants could expect a further rejection applying Lopez. Moreover, Examiner expressed a general view that the present application could not be allowed.

No further agreement was reached in the interview.

Respectfully submitted,

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